

AMENDED

UNITED STATES DEPARTMENT OF JUSTICE  
OFFICE OF THE UNITED STATES TRUSTEE  
Leo O'Brien Federal Building, Room 620  
Albany, New York 12207  
Lisa M. Penpraze  
Assistant United States Trustee  
(518) 434-4553

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK  
ALBANY DIVISION

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*In re:*

KRIS DANIEL ROGLIERI,

Debtor.

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Chapter 7

Case No. 24-10157-rel

*In re:*

WILLIAM K. HARRINGTON,  
UNITED STATES TRUSTEE,  
REGION 2,

Plaintiff

v.

KRIS DANIEL ROGLIERI

Defendant.

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Adv. Pro. No.: 24-90017-1-rel

**REQUEST FOR CLERK'S ENTRY OF DEFAULT  
PURSUANT TO LOCAL BANKRUPTCY RULE 7055-1**

Assistant United States Trustee Lisa M. Penpraze, Esq., on behalf of William K. Harrington, the United States Trustee for Region 2 ("Plaintiff"), hereby affirms under penalties of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. The United States Trustee seeks a Clerk's entry of default in the above-captioned adversary proceeding.
2. The United States Trustee commenced this adversary proceeding on August 19,

2024 by filing the adversary complaint. (ECF 1).

3. The filing fee was waived because the United States Trustee Program is a component of the United States Department of Justice, an exempt federal agency.

4. The Clerk of the Bankruptcy Court issued the summons and a reissued summons both on August 19, 2024 (ECF 2, 4).

5. The Plaintiff caused the reissued summons and complaint to be served on Defendant on August 20, 2024 and filed an accurate and complete certificate of service evidencing same. (ECF 5). A copy of the certificate of service is attached hereto.

6. Upon information and belief, neither the reissued summons nor the complaint have been returned as undeliverable.

7. Upon information and belief, the Defendant has been timely and properly served pursuant to Federal Rule of Bankruptcy Procedure 7004(b)(1) because the reissued summons and complaint were sent via U.S. Mail to the Defendant at his usual places of abode.<sup>1</sup>

8. According to the docket, the Defendant's time for filing an answer or other response expired on September 18, 2024 (ECF 2, 4).

9. The Defendant has not plead or otherwise defended the action and he is now in default.

10. Upon information and belief, the Defendant is not an infant or an incompetent person.

11. Upon information and belief, the Defendant is not in the military service nor is he entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. §

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<sup>11</sup> On October 11, 2024, the Court docketed a letter indicating a change of address for the Defendant and a power of attorney in favor of Ms. Linda Oliver. This occurred approximately seven weeks *after* service of the reissued summons was made. Therefore, service on the Defendant to his prior known addresses was proper at the time.

501, et seq.).

**WHEREFORE**, the Plaintiff requests that the Clerk of the Bankruptcy Court enter a default against the Defendant in this adversary proceeding.

Dated: November 15, 2024

Respectfully Submitted,

WILLIAM K. HARRINGTON  
UNITED STATES TRUSTEE

/s/ Lisa M. Penpraze  
By: Lisa M. Penpraze  
Assistant United States Trustee  
Leo O'Brien Federal Building, Room 620  
Albany, New York 12207  
Bar Roll No.: 105165  
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UNITED STATES BANKRUPTCY COURT  
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Chapter 7

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In re:

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Adv. Pro. No.: 24-90017

Plaintiff

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee of the United States Trustee for Region 2 and is a person of such age and discretion as to be competent to serve papers.

I hereby certify that on August 20, 2024, I deposited a true and correct copy of the Summons, Adversary Complaint Objecting to Discharge and Adversary Proceeding Cover Sheet

By First Class Mail, in a post-paid envelope, by placing in the official depository maintained by the United States Postal Service at the Leo O'Brien Federal Building, 11A Clinton Avenue, Albany, New York 12207 addressed to:

Kris Roglieri Rensselaer County Correctional Facility 4000 Main Street Troy, New York 12180	Kris Roglieri 40 North Road Queensbury, New York 12804
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Dated: August 20, 2024  
Albany, New York

/s/ Diana M. Nuss  
Diana M. Nuss, Paralegal Specialist  
Office of the United States Trustee